

**California State Department of Social Services
ICWA WORKGROUP**

**CDSS Headquarters
744 P Street, Conference Room 203
Sacramento, CA 95814**

September 13, 2011

Minutes

Welcome/Introductions. Participants were introduced and the previous meeting's minutes were reviewed.

Tribal/New Issues. Liz DeRouen discussed the Children's Justice Act (CJA) Task Force (through CalEMA), and said there were two contracts that are awaiting submissions. Also, there are two vacancies – a coordinator and an IT position open. More information should be available on the CJA website.

Guest Speaker: Structured Decision Making (SDM). Raelene Freitag and Jennifer Cotter, Children's Research Center, provided this presentation. (Discussion centered on a question posed as to whether or not SDM was equivalent to "active efforts.") Raelene acknowledged that appearing at someone's home and removing a child is probably the most intrusive thing any government agency does. Therefore, it is important to create a means of providing safe, just and equitable social services. SDM is a measurement tool that counties can use to determine if it is safe to keep a child in the home. It can be used throughout the life of a case. Raelene went on to explain that the completion of the SDM tool does not equal active efforts. However, if the social worker does active efforts, the information obtained would be included in the tool. The SDM safety assessment is designed to identify safety risk, but it is not meant to satisfy active efforts to prevent the removal of a child. SDM includes built-in annotation for cultural considerations. Although the basic tool is useable as it is, it is based on feedback. It started as voluntary, but the state now requires counties to select one of two approved safety assessment tools for use in child welfare.

There is a legitimate concern that tribes haven't been involved in this process. Every county can send a representative for the CORE team to meet in person once per year and communicate in other ways in between meetings. It was suggested that there be some discussion as to how to include tribes in the support they provide to local expertise on SDM.

Workgroup members expressed interest in receiving an invitation to participate on the CORE team of the CRC for SDM. Workgroup members would also like to receive contact information for the SDM folks at the CRC.

AB 12 Update. Lisa Molinar and the Honorable Patricia Bresee gave a report on the implementation of AB 12. The group discussed guardianship and KinGAP. For children who were a ward of the court before age 16, KinGAP ends. For children who were age 16 or older when they were placed in a guardianship at age 16+, KinGAP remains. AB 12 has had many meetings so that the state will be ready when AB 12 becomes effective on January 1, 2012. The bill extends the age a child can be under CPS to age 19 as of January 1, 2012; age 20 at January 1, 2013; and age 21 at January 1, 2014. AB 212 (Chapter 459, Statutes of 2011) was introduced to address the delinquent ward aging out (WIC § 450 et seq). The bill refers to this type of dependent as a “transitional dependent”. Diana Orcino was asked to email the PowerPoint to the workgroup on this presentation. (*Sent to workgroup on 9/19/11.*)

Members interested in participating in AB 12 subcommittee are: Aggie Jenkins, Ann Gilmour, Maureen Geary, Nancy Currie, and Vevila Hussey.

Standing Discussions.

State Budget Update/Realignment. Joyce Dowell explained that the budget situation is the same. The realignment will continue. The workgroup discussed whether or not the state would be able to sanction counties for not delivering services that the state realigns to the counties. CDSS staff explained that they did not see a way other than money. If the activity and goals spelled out in the county SIP are not met, there may be a possibility of money being owed back to the federal government, just as it is now with the state for not meeting its CFSR. The workgroup asked how the state will meet with all 58 counties. CDSS staff explained that the counties are represented by CWDA, so that would be the likely forum for such meetings.

A request was made for a future guest speaker to address the state CFSR and the redesign.

Statewide Training and Education Committee (STEC). Nancy Currie requested that applications for participation in STEC, as well as other groups, need to get out to the workgroup.

Division 31 Regulations. Mary Enriquez and Liz Sandoval provided this update. There have been numerous versions of these regulations since the beginning. With each change, Mary prepares the documents and submits them to CDSS’ Legal Office. Then, the package must undergo bureau, branch, and division reviews before another version is submitted to CDSS’ Office of Regulations Development (ORD). ORD then submits the package through its chain of command before it is submitted to the public with a request for comments. Liz explained that the amendments seem to touch every part of the regulations, and that is why it is taking time. CDSS is unable to give a date as to when the amendments will be ready for public comment.

TCA Updates & Data Discussion. Nicolle Larkins described the progress of Tribal Customary Adoption (TCA). The workgroup discussed the number of TCAs that they were aware of. Ann Gilmour of the AOC explained that they would like to do a test run on the numbers for the first year. She also mentioned that Ashley Franklin had provided the workgroup with the number of TCA special codes (which is 14).

California Partnership for Permanency (CAPP). Nicolle Larkins gave this report. CAPP is a federally-funded project to reduce the number of children in long-term foster care. The project focuses on African American and Native American children who are overrepresented in California's child welfare system, are in foster care a longer period of time than other foster children, and suffer disproportionately worse outcomes. There are four counties involved in an analysis of the local child welfare systems to better understand why there are so many African American and Native American children in long-term foster care, the barriers to permanency, and to help provide solutions to reducing long-term foster care. These counties are Fresno, Humboldt, Los Angeles, and Santa Clara. There are a disproportionate number of Native American children in the child welfare system in Humboldt, and the CAPP is seeking tribal involvement from those who have first-hand experiences with the child welfare system to help design and implement changes to the system. Nicolle informed the workgroup that the next CAPP meetings are scheduled for September 27 and October 18, 2011.

Administrative Office of the Courts (AOC) Report and Discussion. Ann Gilmour of the AOC gave this report. Ann mentioned that the AOC is putting together a report on the first year of California tribal customary adoption (TCA). They have received some numbers from CDSS, but they also need to understand what TCA looks like in practice (e.g., circumstances of the case, reasons for choosing TCA, at what point during the case was TCA chosen, etc.).

Subcommittee Updates.

ICWA Training Subcommittee/Curricula/Toolkit. Phyllis Jeroslow provided a brief tour of the American Indian Enhancement (AIE) Toolkit on CalSWEC's website, and asked for feedback on initial release (by October 12, 2011) and ongoing. The workgroup participants were pleased with the website and thanked CalSWEC, Tom Lidot, and Margaret Orrantia for their work.

Next ICWA Workgroup Meeting Discussion and Proposed 2012 Workgroup Meeting Schedule. The next meeting is scheduled for Tuesday, November 8, 2011, and is scheduled to be hosted by a Northern California tribe. The co-chairs said they will work on finding a host for the November meeting. *(CDSS sent email to tribal advocates on workgroup to solicit a November host on October 18, 2011, but received no response. As such, the November meeting was scheduled to be held at CDSS Headquarters in Sacramento.)*

It was suggested that the workgroup may want to consider meeting on a quarterly schedule rather than bimonthly in light of continuing budget constraints and travel restrictions. Tribal advocates of the workgroup indicated they would like to keep the bimonthly schedule, with the exception of a July meeting. Most said they would rather conduct the summer meeting in conjunction with the June ICWA Conference, if possible.